## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Vinson H. Glover, # 9935,	) C/A No. 4:05-1935-CMC-TER
Plaintiff,	)
v.	OPINION AND ORDER
Detectives and Solicitors of Jasper County.	) ) )
Defendants.	) )

The *pro se* Plaintiff in this case, who is a pretrial detainee in the Jasper County Detention Center in Ridgeland, South Carolina, wrote a letter to this court alleging unconstitutional detention and prosecution. The letter is being treated as a complaint pursuant to 42 U.S.C. § 1983. In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(e), D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for pretrial proceedings and a Report and Recommendation. On July 25, 2005, the Magistrate Judge issued a Report recommending that the complaint be dismissed without prejudice and without service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the

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recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with

instructions. See 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of

an objection. See Diamond v. Colonial Life & Accident Ins. Co., F.3d , 2005 WL 1713188, at

\*3 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not

conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face

of the record in order to accept the recommendation." (quoting Fed. R. Civ. P. 72 advisory

committee's note).

The court has reviewed the record and the Report and Recommendation of the Magistrate

Judge. Finding no clear error, the court adopts the conclusion of the Magistrate Judge that Plaintiff's

claim is barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). Accordingly, it is hereby

ORDERED that this action is dismissed without prejudice and without issuance and

service of process.

IT IS SO ORDERED.

s/ Cameron McGowan Currie

CAMERON MCGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina

August 23, 2005

 $C: \\ left 24 \\ losses 21 \\ EF34 \\ losses 35 \\ Glover \ v. \ Detectives, \ et \ al-dism \ without \ prej \ and \ without \ service. \\ wpd$ 

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